IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.09.2006

CORAM

THE HON'BLE MR.JUSTICE P.SATHASIVAM

Tr.C.M.P.No.264 of 2006
and
M.P.No.1 of 2006

P.Somasundaram ..Petitioner/Plaintiff

-vs-

1. The District Collector,
Coimbatore.

2. The District Revenue officer,
Office of the District Collector,
Coimbatore.

3. The Taluk Surveyor,
Taluk Office, Pollachi.

4. The General Manager,
Indian Oil Corporation,
Avinashi Road, Coimbatore.

5. S.Sabari Karthikeyan .. Respondents/Defendants

Petition filed under Section 24 of the Civil Procedure Code to withdraw and transfer the suit in O.S.No.27 of 2005 on the file of the Sub-Judge, Pollachi, to some other Sub-Court, within the District of Coimbatore.

For petitioner : Mr.E.J.Ayyappan

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O R D E R

The petitioner, plaintiff in O.S.No.27 of 2005 on the file of the Subordinate Judge, Pollachi seeks to transfer the said Suit to some other Sub-Court within the district of Coimbatore.

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2. In the affidavit filed in support of the transfer petition it is stated that the fifth respondent who is the grand son of a former MLA of the locality has been openly asserting that he will win the suit by using his grandfather's political and monetary power over the Presiding Officer viz., Subordinate Judge, Pollachi. It is also stated that the Subordinate Judge, Pollachi is also insisting upon a speedy trial of the above mentioned suit when so many other old suits are pending. Further allegations have been made against the fifth respondent with regard to sub division of the land without petitioner's knowledge.

3. On going through the above mentioned averments, I am not inclined to accede to the request of the petitioner and the reasons stated in the affidavit are not sufficient. Even according to the petitioner, there is no serious allegation against the Presiding officer, except alleging that he seeks early disposal of the suit. I am satisfied that the petitioner has not made out a strong and prima facie case for transferring the suit from the file of the Subordinate Court, Pollachi to some other Court. Accordingly, the transfer petition fails and the same is dismissed. Consequently connected miscellaneous petition is also dismissed. However, learned Subordinate Judge is directed to dispose of the suit after affording sufficient opportunity to both parties.

Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

gms

To

The Subordinate Judge, Pollachi.

Tr.C.M.P.No.264 of 2006

GM(CO)
RVL 13.09.2006

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